

In re Application of:  
Harry C. Dietz  
Application No.: 09/163,289  
Filed: September 29, 1998  
Page 5

PATENT  
Attorney Docket No.: JHU1400-1

REMARKS/ARGUMENTS

By the present communication, claims 1-13 have been canceled without prejudice, preserving Applicant's right to pursue the canceled subject matter in a continuing application. Claims 15 and 16 have been amended as set forth in the above "Listing of the Claims," and new claims 17-27 have been added. Applicants respectfully request entry of the amendments set forth in this response under 37 CFR §1.116.

As indicated by the Examiner in the Advisory Action, claims 15 and 16 are considered allowable for reasons of record. Applicant has amended claims 15 and 16 to incorporate the limitations of the claims from which they depend. The amendments do not raise any issues of new matter and the amended claims do not present new issues requiring further consideration or search. Applicant has added new claims 17-27 dependent from claim 16 to further define the invention. Support for the added claims may be found throughout the specification and original claims as filed. All new claims have been added with at least a corresponding number of finally rejected claims being canceled. Thus, upon entry of the present amendment, claims 15-27 will be pending and in condition for allowance.

Rejection Under 35 U.S.C. § 102

Applicant respectfully traverses the rejection of claims 1-13 under 35 U.S.C. 102(a) as allegedly being anticipated by Michienzi et al. (hereinafter "Michienzi"). However, to reduce the issues and place the application in condition for allowance, Applicant has canceled claims 1-13 with the intent to pursue the canceled subject matter in a continuing application, rendering the rejection moot. Withdrawal is respectfully requested.

In re Application of:  
Harry C. Dietz  
Application No.: 09/163,289  
Filed: September 29, 1998  
Page 6

PATENT  
Attorney Docket No.: JHU1400-1

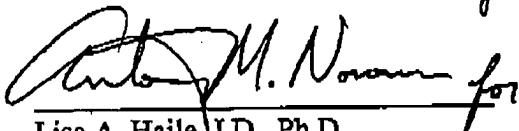
**CONCLUSION**

In view of the amendments and above remarks, it is submitted that the claims are in condition for allowance, and a notice to that effect is respectfully requested. The Examiner is invited to contact Applicant's undersigned representative if there are any questions relating to this application.

The Commissioner is hereby authorized to charge the amount of \$795.00 for a Four-Month Extension of Time fee and any additional fees required by this filing, or credit any overpayment, to Deposit Account No. 07-1896.

Respectfully submitted,

Reg. No. 45,517



*Lisa A. Haile, J.D., Ph.D.*  
for

Lisa A. Haile, J.D., Ph.D.  
Registration No.: 38,347  
Telephone: (858) 677-1456  
Facsimile: (858) 677-1465

Date: December 16, 2004

GRAY CARY WARE & FREIDENRICH LLP  
4365 Executive Drive, Suite 1100  
San Diego, California 92121-2133

USPTO Customer Number 28213

Gray Cary\GT\6411983.1  
104659-157060